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E-FILED - 9/13/07

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

In re BEA SYSTEMS, INC. DERIVATIVE
LITIGATION

This Document Relates To:
All Actions

Master File No. C-06-4459 (RMW)

**STIPULATION AND ~~PROPOSED~~
ORDER POSTPONING THE HEARING
AND EXTENDING THE FILING
DATE FOR THE OPPOSITION
TO THE MOTION TO DISMISS**

WHEREAS, on March 12, 2007, Plaintiffs filed an Amended Consolidated Complaint;
and

WHEREAS, on April 26, 2007, Nominal Defendant BEA Systems and Defendants
Thomas M. Ashburn, Carol A. Bartz, Barbara J. Britton, Mark T. Carges, Sam Cece, Alfred S.
Chuang, William T. Coleman, Mark P. Dentinger, Matthew S. Green, Stewart K.P. Gross,
William M. Klein, Ivan M. Koon, William H. Janeway, Joseph H. Menard, Dean Morton, Tod
Nielsen, Edward W. Scott, Jr., Robert A. Shipp and Deborah Stanley (collectively,
"Defendants") filed Motions to Dismiss the Amended Consolidated Complaint; and

WHEREAS, a hearing has been scheduled for October 12, 2007 on the pending Motions
to Dismiss; and

WHEREAS, the Parties have had numerous discussions related to the outcome of the
BEA Audit Committee investigation, and such discussions continue; and

WHEREAS, the Parties wish to postpone further briefing and the scheduled hearing on
the Motions to Dismiss in order to facilitate such further settlement discussions.

STIPULATION POSTPONING THE HEARING AND
EXTENDING THE FILING DATE FOR THE
OPPOSITION TO THE MOTION TO DISMISS
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1 THEREFORE, the Parties stipulate, subject to the approval of the Court, to the following:

- 2 1. The hearing scheduled for October 12, 2007 is hereby rescheduled to December
3 14, 2007 at 9:00 a.m.
- 4 2. Plaintiffs' time to file an opposition to Defendants' Motions to Dismiss shall be
5 extended to November 6, 2007.
- 6 3. Defendants shall file and serve any reply to Plaintiffs' opposition by November
7 30, 2007.

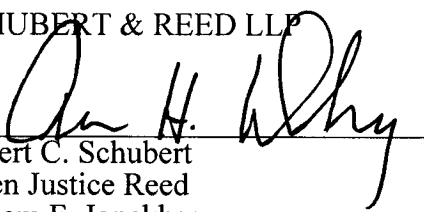
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9 I, Aaron H. Darsky hereby attest that I have on file all holograph signatures for any
10 signatures indicated by a "conformed" signature (/s/) within this efiled document.

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12 DATED: August 24, 2007

SCHUBERT & REED LLP


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28 STIPULATION POSTPONING THE HEARING AND
EXTENDING THE FILING DATE FOR THE
OPPOSITION TO THE MOTION TO DISMISS
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1 DATED: August 24, 2007

WILSON SONSINI
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8 *Counsel for Nominal Defendant BEA Systems,*
9 *Inc. and Defendants Thomas M. Ashburn, Carol*
10 *A. Bartz, Barbara J. Britton, Mark T. Carges,*
11 *Sam Cece, Alfred S. Chuang, William T.*
12 *Coleman, Mark P. Dentinger, Matthew S. Green,*
13 *Stewart K.P. Gross, William M. Klein, Ivan M.*
14 *Koon, William H. Janeway, Joseph H. Menard,*
15 *Dean Morton, Tod Nielsen, Edward W. Scott, Jr.,*
16 *Robert A. Shipp and Deborah Stanley*

11 * * *

12 **ORDER**

13 PURSUANT TO STIPULATION, IT IS SO ORDERED.

14 DATED: 9/13/07

Ronald M. Whyte

15 The Hon. Ronald M. Whyte
16 United States District Court Judge

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